THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION Nos.24197 and 24276 OF 2005

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Dt: 25.11. 2005

WRIT PETITION No.24197 OF 2005

Between:

Madina Educational Society SNBTM College of

Education for women, Repalle, Guntur District

Rep. by its correspondent Sri Khadar Shareef

.. Petitioner

AND

State of Andhra Pradesh, rep. by its Secretary,

School Education, Secretariat Buildings,

Hyderabad and others.

.. Respondents

WRIT PETITION No. 24276 OF 2005

Between:

Andhra Kesari College of Education,

Ongole, rep. by its Correspondent Sri J.Prasad

.. Petitioner

AND

State of Andhra Pradesh, rep. by its Secretary,

School Education, Secretariat Buildings,

Hyderabad and others.

.. Respondents

COMMON ORDER:

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The petitioners are Private Minority Colleges of Education. They filed these writ petitions seeking a declaration that the proceedings of the Regional Joint Director of School Education, Guntur, 3rd respondent, in refusing to accord permission for conversion of the methodologies in the context of admission of candidates against 85% of the seats is illegal, arbitrary and violative of Articles 14 and 30 (1) of the Constitution of India. They also assert that the action is opposed to the orders of this court in W.A.M.P.No.1767 of 2005 in W.A.No.928 of 2005 and batch dated 27.04.2005.

By virtue of their being Minority Educational Institutions, the petitioners are entitled to admit candidates of their choice against 85% of the available seats. The seats available in the petitioners' institutions are distributed among four methodologies, namely, Mathematics; Physical sciences; Biological sciences and Social Studies.

The petitioners state that on account of lack of sufficient number of candidates from the minority community in some of the methodologies, they had to admit non-minority candidates of other methodologies and that the internal adjustment, in this regard, can be approved in accordance with the procedure prescribed under G.O.Ms.No.26, dated 03.02.2005. Reliance is placed upon orders passed by this court in writ petitions and writ appeals.

Heard the learned counsel for the petitioners and the learned Government Pleader for School Education.

Government issued G.O.Ms.No.26, dated 03.02.2005, in relation to the pattern of admissions in unaided Minority colleges of Education in the state. The managements of such colleges were made eligible to fill 55% of the seats with minority candidates. The G.O., has also prescribed the manner in which the seats are to be filled up, particularly in the context of non-availability of requisite number of minority candidates. Through a subsequent order, the Government enhanced the percentage of seats to be filled by minority candidates to 85%. In all other respects, the procedure stipulated in G.O.Ms.No.26, remained intact.

For every college of education, be it minority; non-minority or the one established by the Government, the competent authority stipulates the number of seats for each methodology. The qualification of the candidates for admission into seats in a particular methodology also differs from one another. It is impermissible to deviate from the distribution of seats among the various methodologies.

In Rule 6 (c) of G.O.Ms.No.26, a facility is provided to the extent that if adequate number of minority candidates are not available for a particular methodology, the vacant seats in such methodology can be filled by candidates belonging to other methodologies. Such a facility, however, is not extended to
non-minority candidates.

It is true that Rule 6 (d) of G.O.Ms.No.26 as well as certain orders passed by this

Court by Division Benches permitted the admission of non-minority students against the vacant seats meant for admission through minority candidates alone. However, there is nothing either in the G.O., or in the orders passed by this Court which enables the institutions to extend the facility under Rule 6 (c) to non-minority candidates when being admitted against left over seats of 85%. To be precise, the interchange of methodologies is available to minority candidates within the limit of 85% and
non-minority candidates of a particular methodology cannot be admitted against the vacant seats in other methodologies.

Therefore, this Court does not find any basis to grant relief to the petitioners. The writ petitions are accordingly dismissed. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:25.11.2005

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